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NOTICE OF ALLOWANCE AND FEE(S) DUE

29129

7590

10/02/2009

MICHELLE A. ZARINELLI
C/O WEST CORPORATION
11808 MIRACLE HILLS DR.
MAIL STOP; W11-LEGAL
OMAHA, NE 68154

EXAMINER

SAINT CYR, LEONARD

ART UNIT

PAPER NUMBER

2626

DATE MAILED: 10/02/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,678	09/23/2003	Mark J. Petay	PAT-008D	1052

TITLE OF INVENTION: SCRIPT COMPLIANCE AND QUALITY ASSURANCE BASED ON SPEECH RECOGNITION AND DURATION OF INTERACTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	01/04/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

29129 7590 19/02/2009

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Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/668,678 09/23/2003 Mark J. Potay PAT-008D 1052

TITLE OF INVENTION: SCRIPT COMPLIANCE AND QUALITY ASSURANCE BASED ON SPEECH RECOGNITION AND DURATION OF INTERACTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$0	\$0	\$1510	01/04/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
SAINT CYR, LEONARD	2626	704-251000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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EXAMINER

SAINT CYR, LEONARD

ART UNIT

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 897 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 897 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/668,678

Examiner

LEONARD SAINT CYR

Applicant(s)

PETTAY ET AL.

Art Unit

2626

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/09/09.
2. ☒ The allowed claim(s) is/are 1-20, 22-46, and 48-51.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/09/09 has been entered.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Raffi Gostanian, on 09/24/09.

The application has been amended as follows:

Claims 21, and 47 have been cancelled, and claims 1, 23, 33, 48 - 51 have been amended as follow.

1. (currently amended) A method for evaluating compliance of at least one agent reading at least one script to at least one client, the method comprising at least the following:

conducting at least one voice interaction between the at least one agent and the at least one client, wherein the at least one agent follows the at least one script;

evaluating, **by a processor,** the at least one voice interaction with ~~at least one~~ an automatic speech recognition component, having a confidence level threshold including supplying audio files in real time of at least one voice interaction and/or recording the at least one voice interaction and supplying the files to the automatic speech recognition component, adapted to analyze the at least one voice interaction; and

determining, **by the processor,** whether the at least one agent has adequately followed, based on a the confidence-level threshold relating to the automatic speech recognition component's ability to analyze the at least one voice interaction, the at least one script based on a plurality of first scores related to respective portions of the at least one voice interaction and based on a second score related to an overall compliance with the at least one voice interaction, wherein at least one of the first scores and the second score are different for their respective portions of the at least one voice interaction;

dispositioning at least one interaction, wherein the at least one agent reads at least one script to the at least one client, based at least in part on comparison of data representing an actual duration of the at least one interaction to data

representing an expected duration parameter associated with the at least one interaction.

23. (currently amended) A system for evaluating compliance of at least one agent reading at least one script to at least one client, the system comprising at least the following:

at least one communication network adapted to support at least one voice interaction between the at least one agent and the at least one client, wherein the at least one agent follows at least one script;

at least one automatic speech recognition component, having a confidence level threshold including supplying audio files in real time of at least one voice interaction and/or recording the at least one voice interaction and supplying the files to the automatic speech recognition component, adapted to analyze the at least one voice interaction and to determine whether the at least one agent has adequately followed the at least one script; and

means for causing at least one action to be taken based upon a determination by the at least one automatic speech recognition component as to whether the at least one agent has adequately followed, based on a the confidence-level threshold relating to the automatic speech recognition component's ability to analyze the at least one voice interaction, the at least one script based on a plurality of first scores related to respective portions of the at least one voice interaction and based on a second score related to an overall compliance with the at least one voice interaction, wherein at

least one of the first scores and the second score are different for their respective portions of the at least one voice interaction;

dispositioning at least one interaction, wherein the at least one agent reads at least one script to the at least one client, based at least in part on comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction.

33. (currently amended) A method of performing quality analysis on a plurality of interactions, each one of the interactions involving at least one agent, the method comprising at least the following:

obtaining data representing at least a given one of the interactions, each one of the interactions having a respective actual duration parameter associated therewith;
obtaining data representing at least one expected duration parameter evaluated by an automatic recognition component having a log record module that is applicable to at least the given one of the interactions;

for at least the given one of the interactions, comparing the actual duration of the given one interaction to the expected duration parameter and comparing a plurality of duration parameters to respective portions of the actual duration of the given one interaction;

dispositioning at least the given one interaction based on the comparing;

wherein dispositioning at least the given transaction including assigning the given interaction for evaluation because the actual duration of the given interaction falls outside of a pre-defined range applicable to the given interaction.

48. (currently amended) A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for evaluating compliance of at least one agent reading at least one script to at least one client, the method comprising at least the following:

conducting at least one voice interaction between the at least one agent and the at least one client, wherein the at least one agent follows the at least one script;

evaluating the at least one voice interaction with an ~~at least one~~ automatic speech recognition component, having a confidence level threshold including supplying audio files in real time of at least one voice interaction to the automatic speech recognition component and/or recording the at least one voice interaction and later supplying the files to the automatic speech recognition component, adapted to analyze the at least one voice interaction;

determining whether the at least one agent has adequately followed, based on a the confidence-level threshold relating to the automatic speech recognition component's ability to analyze the at least one voice interaction, the at least one script based on a plurality of first scores related to respective portions of the at least one voice interaction and based on a second score related to an overall compliance with the at least one

voice interaction, wherein at least one of the first scores and the second score are different for their respective portions of the at least one voice interaction;

dispositioning at least one interaction, wherein the at least one agent reads at least one script to the at least one client, based at least in part on comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction.

49. (currently amended) A system for evaluating compliance of at least one agent reading at least one script to at least one client, the system comprising at least the following:

means for conducting at least one voice interaction between the at least one agent and the at least one client, wherein the at least one agent follows the at least one script;

means for evaluating the at least one voice interaction with at least one automatic speech recognition component, having a confidence level threshold including supplying audio files in real time of at least one voice interaction and/or recording the at least one voice interaction and supplying the files to the automatic speech recognition component, adapted to analyze the at least one voice interaction; and

means for determining whether the at least one agent has adequately followed, based on a the confidence-level threshold relating to the automatic speech recognition component's ability to analyze the at least one voice interaction, the at least one script

based on a plurality of first scores related to respective portions of the at least one voice interaction and based on a second score related to an overall compliance with the at least one voice interaction, wherein at least one of the first scores and the second score are different for their respective portions of the at least one voice interaction;

dispositioning at least one interaction, wherein the at least one agent reads at least one script to the at least one client, based at least in part on comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction.

50. (currently amended) A program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform a method for performing quality analysis on a plurality of interactions, each one of the interactions involving at least one agent, the method comprising at least the following:

obtaining data representing at least a given one of the interactions, each one of the interactions having a respective actual duration parameter associated therewith;
obtaining data representing at least one expected duration parameter evaluated by an automatic recognition component having a log record module that is applicable to at least the given one of the interactions;

for at least the given one of the interactions, comparing the actual duration of the given one interaction to the expected duration parameter and comparing a plurality of

duration parameters to respective portions of the actual duration of the given one interaction;

dispositioning at least the given one interaction based on the comparing;

wherein dispositioning at least the given transaction including assigning the given interaction for evaluation because the actual duration of the given interaction falls outside of a pre-defined range applicable to the given interaction.

51. (currently amended) A system for performing quality analysis on a plurality of interactions, each one of the interactions involving at least one agent, the system comprising at least the following:

means for obtaining data representing at least a given one of the interactions, each one of the interactions having a respective actual duration parameter associated therewith;

means for obtaining data representing at least one expected duration parameter evaluated by an automatic recognition component having a log record module that is applicable to at least the given one of the interactions;

means for comparing the actual duration of the given one interaction to the expected duration parameter for at least the given one of the interactions and comparing a plurality of duration parameters to respective portions of the actual duration of the given one interaction;

means for dispositioning at least the given one interaction based on the comparing;

wherein dispositioning at least the given transaction including assigning the given interaction for evaluation because the actual duration of the given interaction falls outside of a pre-defined range applicable to the given interaction.

Allowable Subject Matter

3. Claims 1 – 20, 22 – 46, and 48 – 51 are allowed over the prior art of record. The following is an examiner's statement of reasons for allowance:

As to claims 1 – 20, 22 – 32, 48, and 49, neither Walker et al., nor Rongley teach or suggest determining whether the at least one agent has adequately followed, based on a the confidence-level threshold relating to the automatic speech recognition component's ability to analyze the at least one voice interaction, the at least one script based on a plurality of first scores related to respective portions of the at least one voice interaction and based on a second score related to an overall compliance with the at least one voice interaction, wherein at least one of the first scores and the second score are different for their respective portions of the at least one voice interaction;

dispositioning at least one interaction, wherein the at least one agent reads at least one script to the at least one client, based at least in part on comparison of data representing an actual duration of the at least one interaction to data representing an expected duration parameter associated with the at least one interaction.

As to claims 1 – 20, 22 – 32, 48, and 49, neither Walker et al., nor Rongley teach or suggest obtaining data representing at least a given one of the interactions, each one of the interactions having a respective actual duration parameter associated therewith; obtaining data representing at least one expected duration parameter evaluated by an automatic recognition component having a log record module that is applicable to at least the given one of the interactions; for at least the given one of the interactions, comparing the actual duration of the given one interaction to the expected duration parameter and comparing a plurality of duration parameters to respective portions of the actual duration of the given one interaction; dispositioning at least the given one interaction based on the comparing; wherein dispositioning at least the given transaction including assigning the given interaction for evaluation because the actual duration of the given interaction falls outside of a pre-defined range applicable to the given interaction.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEONARD SAINT CYR whose telephone number is (571) 272-4247. The examiner can normally be reached on Mon- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or (571)-272-1000.

LS
09/24/09
/Richemond Dorvil/
Supervisory Patent Examiner, Art Unit 2626